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It is true that the principle of this case is applicable to the control of corporations whose business is "affected with a public interest"; Munn was not however a corporation but a person, and the significance of the decision rests not on the fact that a corporation can be controlled, but that a new set of businesses are subjected to public regulation. The error is possibly trivial, but the statement of the principle is not made with such exactness as to preclude misunderstanding.

Possibly it is not unjust to dissent in some measure to the editor's comment on *Gibbons v. Ogden*, though here again the fault, if there be one, arises from a failure to state with perfect clearness some of the principles involved. Indeed the subject is so difficult that a longer and more explicit statement seems to be imperatively demanded. Nor is it quite certain that Marshall's decision in that case was not absolutely sound, especially those portions referring to the exclusiveness of the power in Congress to regulate interstate commerce. Does the doctrine of concurrent power, the power in the state to legislate on local matters even though the legislation may in some manner affect interstate commerce, really run counter at all to the fundamental propositions of Marshall's decision? Does it anywhere appear that such power of regulation as the states possess does not flow from the undoubted reserved rights of the states—from their power to control local commerce and their police power? The extent to which in the exercise of this reserved power they may be allowed to encroach upon the sphere of interstate commerce is necessarily a matter for particular rather than general determination. The editor's short introductory note appears to declare that the doctrine of concurrent power is in actual if not in nominal opposition to Marshall's opinion.

A. C. McLAUGHLIN.

The Life and Speeches of Thomas Williams, Orator, Statesman and Jurist, 1806-1872, a Founder of the Whig and Republican Parties. By BURTON ALVA KONKLE. (Philadelphia: Campion and Company. 1905. Pp. ix, 393; iii, 395-757.)

THOMAS WILLIAMS was superabundantly endowed with a fatal facility for rhetorical speech—a gift nourished and tended with most assiduous care by relatives, teachers, comrades, and friends, who appeared to regard it as a pearl of great price. He may be said to have lisped in figures of speech. "The Professor of Oratory", so writes the youth to his father, "paid me the highest compliment on my last [oration] which has ever been paid to any student"; subjoining the information that he himself has "the reputation of being the best composer that Dickinson College has produced since its revival" (p. 30). He studies law with (as our author states) "a brilliant and cultured bachelor lawyer . . . strong and oratorical—even ornate" (p. 34). His chum, left behind at college, writes him that his "pieces" are being spoken "in the prayer-hall" (p. 35).

Consequently, when this young Roscius steps upon the stage of active life, he is ready to orate on any and all occasions, and revels in

every opportunity. His biography becomes a series of "splendid" orations connected by the merest thread of narrative. First comes "His Notable Eulogy" on President Harrison. Then follows the "Tariff Address" of the Clay campaign of 1844. On the election of Polk, he abandons politics to devote himself to his profession. The interval of ten years that followed, according to the arrangement of the book before us, appears to have been taken up with the preparation of a pamphlet attacking an opinion of the Supreme Court of Pennsylvania affirming the validity of the acts authorizing subscriptions by municipal corporations to the stock of railroad corporations; for it occupies virtually the whole of the chapter of seventy pages treating of this period. However, it did not convert the court, for that tribunal finally forced the payment of the tax levied to pay the interest on the bonds by *mandamus*, and by so doing provoked another "scathing" review from Williams. This bitter conflict with the judiciary of his own state was, in all probability, the cause of his distrust of the Supreme Court of the United States in the days of Reconstruction—a distrust which led him to advocate on the floor of the House of Representatives so extreme a remedy as requiring unanimity among the judges to declare an act of Congress unconstitutional (see speech, II. 653 *et seqq.*).

The repeal of the Missouri Compromise summoned Williams from his retirement, and he played an influential part in organizing the Republican party in his state and in the conduct of its first presidential campaign. The decisive struggle of 1860 was signalized by a "Notable Address" on "The Negro in American Politics". One "lofty period" of the peroration is all we have room for: "There is no star in that glorious galaxy that shall perish, but planet after planet, won from chaos by the indomitable energies of *free labor*, shall wheel into our system, until our shield is powdered with stars, and the loftiest of the Cordilleras, seated on his throne of rocks, and soaring, with his snow-crowned diadem, away into the summer heavens, shall, in the language of the poet,

'— o'er earth, ocean, wave,

Glare, with his Titan eye, and see no slave!'" (II. 430).

The orator was elected a member of the lower house of the Pennsylvania legislature, and, on the meeting of that body (South Carolina having already seceded), he delivered a "Notable Speech" on "the Maintenance of the Constitution and the Union", which drew from one of his opponents the acknowledgment that he "was overwhelmingly powerful in oratory" (II. 450). In the fall of 1862 he was chosen a representative in the Thirty-eighth Congress, and, on the meeting of that body, emerged at last into national prominence.

His six years in Congress, according to his biographer, were distinguished by four "great speeches", all of which are given in full: one on "restoration", read in the House in April, 1864, which Judge Grier wrote to him was "the *best of the season* or that has *ever been made on the subject* with a spice perhaps *too much of spread eaglesism*" (II.

522); another, a "Notable Eulogy" on Lincoln, delivered in Pittsburgh, which Arnold, the friend and biographer of its subject, called "a grand lyric", and confessed that he read the peroration "amidst blinding tears" (II. 553); a third, on "Reconstruction", delivered in the House in 1866 (covering sixty-two pages of the book); and a fourth, his "Great Final Argument", as one of the managers of the impeachment of President Johnson, which was followed by the invariable avalanche of praise.

Nevertheless, we venture the prediction that Thomas Williams will not be remembered on account of his "notable orations". Despite "the lofty march of their periods", they no longer have any real life. He will be remembered, if remembered at all, not for what he said, but for what he did: for the leading part he took in the enactment of the short-lived Tenure-of-Office Act which furnished at last the pretext for the impeachment he had advocated, with all the fiery rhetoric at his command and on more substantial grounds, but until then without success; and, more particularly, for his share in the concoction of its famous proviso, which in the end, to the deep discomfiture of its contrivers, made possible the acquittal of the object of so much Ciceronian invective.

DAVID MILLER DEWITT.

A History of the Civil War in the United States, 1861-5. By Lieutenant W. BIRKBECK WOOD, M.A., and Major J. E. EDMONDS, R.E., with an introduction by SPENSER WILKINSON. (New York: G. P. Putnam's Sons; London: Methuen and Company. 1905. Pp. xxii, 549, with thirteen maps and eleven plans.)

THIS book, written by English military men, presumably young (since they describe themselves in the preface as attending recent lectures at the Staff College), is plainly the work of well-educated soldiers. It appears to be especially intended for the use of cadets. Though not so technical as to embarrass the general reader, the book is strictly military, making no further reference to matters civil and political than is necessary to a good understanding of the campaigns. It does not appear that the authors have made a personal study of the fields they describe, or, indeed, that they have ever visited America. The list of authorities to which they refer is rather meagre in view of the extent of the literature relating to the Civil War. Yet the authorities are excellent and have been carefully studied. There is no lack of intelligent comprehension of the events described, and the presentment is simple and direct.

By an odd dislocation the accounts of naval operations are given in a single chapter at the end of the book, the main narrative of events containing the scantiest possible mention of the work of the fleets. In the opinion of many men, both North and South, the navy was even more effective than the army in crushing the Confederacy. Its work was at any rate in the highest degree important, and to relegate the